

### REMARKS

Claims 178 and 179 have been added. No new matter has been added by these new claim claims. For instance, support for the new claims amendments appears e.g. in the original claims of the application.

Applicants note that page 1 of the Office Action states that claims 128-177 are rejected, but at pages 2-4 of the Office Action most of the pending claims are indicated not to be rejected. Specifically, claim 128-144, 147-162, and 165-175 are not indicated to be rejected in any respect at pages 2-4 of the Office Action. Clarification of the status of those claims is respectfully requested.

All the pending claims are method claims that call for administration to a *specified dog* and that feed materials have selected for *the specified dog*.

Applicants also submit herewith the Rule 132 Declaration of co-inventor Paal Gisholt.

Claims 76-91, 95-11, 115-123 and 127 were rejected under 35 U.S.C. 102, or in the alternative under 35 U.S.C. 103 over GB1474931 in view of Merck '67. The rejection is traversed.

All the pending claims are method claims that call for administration to a *specified dog* and that feed materials have selected for *the specified dog*.

For instance, independent claim 128 reads as follows:

Claim 128. A method for administering feed materials to a specified dog, comprising:

- (a) providing a multiple-sectioned unitary package, the package comprising a plurality of package sections;
- (b) adding to one or more package sections one or more edible feed materials that have been selected for the specified dog,
  - the one or more package sections containing the one or more feed materials in an amount of within about 15 weight percent or less of a specified amount,
  - the one or more feeds materials chosen from among one or more of feed, vitamins, minerals, chemical entities, electrolytes, proteins, and herbs;
- (c) administering the feed materials of the package to the dog.

GB1474931 and Merck '67, whether considered or in combination, clearly do not teach such methods.

Thus, GB-1474931 does not mention or otherwise “adding to one or more package sections one or more edible feed materials *that have been selected for the specified dog*” as recited in Applicants’ claim 128.

Such customized packaging and administration for a specified dog as Applicants claim is nowhere suggested in the cited documents.

Moreover, submitted herewith is the Rule 132 Declaration of co-inventor Paal Gisholt, which details the significant commercial success provided by the claimed subject matters.

While Applicants firmly believe that a prima facie case under Section 103 has not been presented by the cited documents, it is also believed that any prima facie case that is contended to exist is fully rebutted by this Rule 132 Declaration.

In view thereof, reconsideration and withdrawal of the rejection are requested. See *In re Marshall*, 198 USPQ 344, 346 (CCPA 1978) (“[r]ejections under 35 U.S.C. §102 are proper only when the claimed subject matter is identically disclosed or described in the prior art.”). See also Manual of Patent Examining Procedure §2143.03 (“To establish prima facie

obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.").

Claims 145, 146, 163, 164, 176 and 177 were rejected under 35 U.S.C. 103 over GB1474931 and Magnant et al. 5787839 and Pedigree and further in view of Merck '67. The rejection is traversed.

Deficiencies of GB1474931 have been discussed above and are incorporated here.

The Magnant et al. document merely reports a container to carry pet food when on trips or traveling. No incentive would have existed to somehow combine features of the freshly-slaughtered frozen offal reported in GB-1474931 with a travel pet container of Magnant et al.

Nor does Magnant either alone or in combination with any of the other cited documents suggest "adding to one or more package sections one or more edible feed materials *that have been selected for the specified dog*" as recited in Applicants' claim 128.

Indeed, the cited Pedigree label and Merck citation clearly do not also do not suggest "adding to one or more package sections one or more edible feed materials *that have been selected for the specified dog*".

Applicants again note the submitted Rule 132 Declaration, which clearly rebuts any prima facie case under Section 103 that may be contended to exist.

Withdrawal of the rejection is therefore requested.

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'P. Corless', written over a horizontal line.

Peter F. Corless (Reg. No. 33,860)  
EDWARDS ANGELL PALMER & DODGE LLP  
P.O. Box 55874  
Boston, Massachusetts 02205  
Tel. (617) 439-4444  
Fax (617) 439-4170